MONTANA LEGISLATIVE HISTORY

Chapter 229 19 65

Bill H 283 S _____ Original bill & history NO C

H. Committee on Fish & Game			S. Committee on Fish & Game		
Hearing Date(s)	2-9	✓ C	Hearing Date(s)	2-19	✓ C
	2-2	✓ C		_____	___ C
	_____	___ C		_____	___ C
	_____	___ C		_____	___ C
Date Out	_____	___ C			

Did this bill originate in an interim committee? ___ Yes ___ No

Committee _____ Report _____

MINUTES FOR THE MEETING

of the

FISH AND GAME COMMITTEE

The eighth meeting of the House Fish and Game Committee was called to order by the Chairman, Mr. Gill, on February 2, 1965.

Roll was called with ten present and five absent.

The first order of business was House Bill No. 263. Mr. Delano gave a brief explanation of the bill, Mr. Chadwick Smith, Attorney for the State Fish and Game Commission gave further explanation supported by Mr. Keith Freseman, Deputy Director of the Fish and Game Department. Mr. Bob Durkee, representing the Wildlife Federation stated his support of the bill with one exception. It was suggested Mr. Smith and Mr. Durkee get together to work out and submit an amendment.

Representative Garrison then spoke in support of House Bill No. 283. Representative Val James and Mr. Ralph Miracle also spoke in support of this bill. Mr. Miracle submitted a resolution made by the Montana Stockgrower's Association in support of this. Senator Sumner Gerard of Madison County also gave his support to this bill. Mr. Bob Durkee spoke against the bill and suggested the committee instead consider Senate Bill No. 211.

Senator Groff then spoke in support of Senate Bill No. 140 and Senator Bentz explained Senate Bill No. 114.

Mr. Gill reported the authors of House Bill No. 331 have requested this bill be killed in committee.

Mr. Smith gave his objections to House Bills 404 and 411, after which the speakers left.

Mr. O'Leary made the motion that House Bill 411 "do not pass"
Mr. Sullivan seconded the motion and it was approved unanimously.

Mr. Sullivan made the motion that House Bill No. 404 "do not pass"
Mr. Atkins seconded the motion and it was approved unanimously.

Mr. Smith made the motion that House Bill No. 331 "do not pass"
Mr. Delano seconded the motion and it was approved unanimously.

Mr. Bailey moved the committee "do concur" with Senate Bill No. 114
Mr. Smith seconded the motion and it was passed unanimously.

Mr. Christiansen moved the committee "do concur" on Senate Bill No. 140.
Mr. Sullivan seconded the motion and it was approved unanimously.

Mr. Bailey moved the committee "do pass". House Bill No. 263
Mr. Delano seconded the motion and it was passed with an objection voiced by Mr. Sullivan.

There being no further business before this committee at this time, a motion was made and passed for adjournment.

Respectfully submitted,

Carol Brown

Carol Brown, Secretary

Russell Gill

FISH AND GAME COMMITTEE

The twelfth meeting of the House Fish and Game Committee was called to order February 9, 1965 by Mr. Henry L. Gill, Chairman.

Roll was called with all members present.

The first order of business was House Bill No. 283. Rep. Garrison again explained this bill and the proposed amendments submitted for committee study. Mr. Jim Bourne, executive secretary for the Outfitters and Guides, also testified for the bill and left information with the committee. Mr. R. B. Beckman from Great Falls told the committee he objected to a compulsory guide bill.

The next order of business was House Bill No. 457, the "jackrabbit" bill. Mr. Bailey explained this bill and the amendments submitted to the committee. Senator Rieder spoke in defense of this bill also.

Mr. Boughton then introduced and explained House Bill No. 476 to the committee. A discussion then followed.

House Bill No. 127, which puts the out of state elk hunter in direct contact with the State Fish and Game Department instead of the individual tag seller was discussed. Mr. Beckman and Mr. Bourne also spoke on this bill and were not in accord with it. Mr. Sullivan explained this bill referred to elk only.

The speakers then left.

House Bill No. 283 was then thrown open for discussion. Mr. Smith made the motion that House Bill No. 283 be amended as follows:

Section 2, line 15 of the original bill following the period by striking out all the remaining portion of Section 2

Section 3, line 24 of the original bill immediately following the word "obtained" by striking the word "written"

Section 3, line 25 of the original bill following the word "landowner" by striking the word "or" and inserting thereof "," and furthermore in Section 3 line 25 of the original bill following the word "lessee" by inserting the words "<u>or their agents</u>"

Mr. Fischer seconded the motion and it was passed unanimously.

Mr. Smith made the motion that House Bill No. 283 "as amended, do pass"
Mr. Christiansen seconded the motion and it was carried with objections from Mr. Bailey and Mr. O'Leary.

Mr. Boughton made the motion that House Bill No. 457 "be amended as follows:

By deleting the following words in Section 1 in lines 25, 26, 27 and 28 on page 1 of the original bill "subject to ru and regulations pro ulgated by the state fish and game commission in the interest of public safety and protection of property and enforced pursuant to section 26-324, R.C.M. 1947." and inserting in lieu thereof the following: "except as specifically set forth herein and enforced pursuant to Section 26-324, R.C.M., 1947."

By adding the following words in Section 1 as sub-section (b) following the period in line 28 on page 1 of the origin bill "(b) It shall be illegal to hunt jackrabbits on private land with artificial light unless written permissio of the landowner, lessee or agent is obtained."

By deleting in Section 1 the letter "(b)" as it appears in line 29 on page 1 of the original bill and inserting in li thereof the letter "(c)"

Mr. Atkins seconded the motion and it was approved unanimou

Mr. Boughton made the motion that House Bill No. 457 "as amended do pass"
Mr. Christiansen seconded the motion and it was approved unanimously.

Mr. Christiansen then made the motion that House Bill No. 476 "do not pass"
Mr. Atkins seconded the motion and it was approved unanimou

Mr. Christiansen made the motion that House Bill No. 206 "do not pass"
Mr. Smith seconded the motion and it was carried with Mr. Tracy opposed.

Mr. Tracy then explained House Bill No. 406, the $200 non-resident hunting license. Questions were asked in the ensuing discussion.
Mr. Tracy made the motion that House Bill No. 406 "do pass"
Mr. Sullivan seconded the motion but it was not carried by the committee.

There being no further business before this committee at th time, the meeting was adjourned.

Respectfully submit
Carol Brown
Carol Brown, Secret

HENRY L. GILL, CHAIRMAN

February 19, 1965

The Committee on Fish and Game met at recess with a quorum present and Chairman Rieder presiding.

Chairman Rieder atated H.B. 392 had been brought back to the committee and asked for reconsideration. Sen. McDonnell moved for reconsideration of H.B. 392, seconded by Sen. Bentz and the motion carried. After some discussion, Sen. McDonnell moved the bill be not concurred in, seconded by Sen. Bentz and the motion carried with one dissenting vote.

Representatives Isabel James, Carl Smith and Bill Garrison appeared on H.B. 283 and explained the need for such a bill. Mr. Jim Bourne, executive secretary for the Montana Outfitters and Guides Association, appeared in support of H.B. 283 and presented members with a manual of regulations for registered outfitters and guides, spoke of how they had upgraded themselves and spoke in favor of the bill. Mr. Howard Copenhaver spoke in favor of the bill.

Mr. Robert Durkee pointed out amendments needed in the bill if adopted and stated the Montana Wildlife Federation was split on the bill.

Mr. Smith explained the provisions of H.B. 263 which would provide for disposition of Fish and Game Department owned land in an orderly manner. Sen. McDonnell stated he would attempt to amend the bill to make the procedure coincide with regulations governing disposition of all state owned lands. Sen. Brenner moved the adoption of the proposed amendments, seconded by Sen. Hafferman and the motion carried. Sen. Brenner moved as amended, H.B. 263 be concurred in, seconded by Sen. Bentz and the motion carried unanimously.

House Bill 283 was discussed and Sen. Brenner moved it be concurred in, seconded by Sen. Bentz and the motion carried.

Sen. Moritz moved that H.B. 283 be not concurred in, seconded by Sen. McDonnell but the motion failed 6 to 3.

The meeting was adjourned at 1:45 P.M.

Chairman

February 19, 1965

MR. PRESIDENT:

We, your Committee on FISH AND GAME

having had under consideration HOUSE Bill No. 263

A BILL FOR AN ACT ENTITLED: "AN ACT TO PRESERVE GAME ANIMALS AND PROTECT PRIVATE PROPERTY BY REQUIRING THAT NONRESIDENT HUNTERS BE ACCOMPANIED BY AN OUTFITTER OR LICENSED RESIDENT, AND MAKING ANY VIOLATION A MISDEMEANOR."

Respectfully report as follows: That HOUSE Bill No. 263

BE NOT CONCURRED IN

XXXXXXX

Do Pass.

ARNOLD RIEDER

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affliction will not interfere with the safe operation of a motor vehicle."

Approved March 8, 1965.

CHAPTER 228

An Act Making the Transcription or Recording of Human Conversation Without the Knowledge of the Parties Thereto a Misdemeanor; and Excepting Public Officials and Employees When in the Performance of Official Duty; and Persons Speaking at Public Meetings or Given Warning of Any Such Recording.

Be it enacted by the Legislative Assembly of the State of Montana:

Unlawful to record conversation without knowledge of parties.

Section 1. It shall be unlawful to record or cause to be recorded by use of any hidden electronic or mechanical device which reproduces a human conversation without the knowledge of all parties to the conversation. Violation hereof shall constitute a misdemeanor.

Exclusions.

Section 2. Section 1 of this act shall not apply to duly elected or appointed public officials or employees when such transcription or recording is done in the performance of official duty; and persons speaking at public meetings or given warning of such recording.

Approved March 8, 1965.

CHAPTER 229

An Act to Preserve Game Animals and Protect Private Property by Requiring That Nonresident Hunters be Accompanied by a Licensed Resident, and Making Any Violation a Misdemeanor.

Be it enacted by the Legislative Assembly of the State of Montana:

Protect and preserve game animals primarily for citizens of state.

Section 1. It shall be the policy of this state to protect and preserve game animals primarily for the citizens of this state and to avoid the deliberate waste of wildlife and destruction of property by nonresidents licensed to hunt in this state.

Nonresident hunter to be accompanied by licensed resident.

Section 2. It shall be unlawful for any nonresident to hunt big game animals in this state unless he is accompanied by a resident licensed to hunt game animals, provided that a nonresident need not be accompanied when hunting in special deer or antelope areas as designated by the state fish and game commission.

Permission.

Section 3. Every resident and nonresident must have obtained permission of the landowner, lessee or their agents before hunting big game animals on private property.

Violation.

Section 4. Any person violating any provision of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in section 26-324.

Approved March 8, 1965.

CHAPTER 230

An Act Amending Sections 94-3604, 94-3605 and 94-3606, R. C. M. 1947, as Amended Regarding the Seizure and Destruction of Obscene Matter.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 94-3604, R. C. M. 1947, is amended to read as follows:

Seizure of obscene matter.

"94-3604. (11137) **Seizure of indecent articles authorized.** Every person who is authorized or enjoined to arrest any person for a violation of *section 94-3601 (2) or (3),* is equally authorized and enjoined to seize any obscene *matter* found in possession, or under the control of the person so arrested, and to deliver the some to the *district court.*"

Amending clause.

Section 2. Section 94-3605, R. C. M. 1947, is amended to read as follows:

Summary determination of probable cause for seizure.

"94-3605 (11138) **Their character to be summarily determined.** *If the seizure be controverted,* the *district court* to whom any obscene *matter* is delivered pursuant to the foregoing section *or to the return of a search warrant* must, *within ten (10) days after service of the motion for restoration proceed to take testimony in relation thereto.*